

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 106

HOUSE BILL 2108

AN ACT

AMENDING SECTIONS 11-483, 11-484 AND 13-2401, ARIZONA REVISED STATUTES;
AMENDING SECTION 16-153, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002,
CHAPTER 129, SECTION 3; REPEALING SECTION 16-153, ARIZONA REVISED STATUTES,
AS AMENDED BY LAWS 2001, CHAPTER 124, SECTION 5; AMENDING SECTIONS 39-123 AND
39-124, ARIZONA REVISED STATUTES; RELATING TO PUBLIC RECORDS CONFIDENTIALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-483, Arizona Revised Statutes, is amended to
3 read:

4 11-483. Records maintained by county recorder; confidentiality;
5 definitions

6 A. Notwithstanding any other provision of this article, in counties
7 with a population of more than five hundred thousand persons according to the
8 most recent United States decennial census a peace officer, JUSTICE, JUDGE,
9 COMMISSIONER, PUBLIC DEFENDER or prosecutor may request that the general
10 public be prohibited from accessing the unique identifier and the recording
11 date contained in indexes of recorded instruments maintained by the county
12 recorder and may request the recorder to prohibit access to the peace
13 officer's or prosecutor's THAT PERSON'S residential address and telephone
14 number contained in instruments or writings recorded by the county recorder
15 and made available on the internet.

16 B. A peace officer, JUSTICE, JUDGE, COMMISSIONER, PUBLIC DEFENDER or
17 prosecutor may request this action by filing an affidavit that states all of
18 the following on an application form developed by the administrative office
19 of the courts in agreement with an association of counties, an organization
20 of peace officers and the motor vehicle division of the department of
21 transportation:

22 1. The peace officer's or prosecutor's PERSON'S full legal name and
23 residential address.

24 2. The full legal description and parcel number of the peace officer's
25 or prosecutor's PERSON'S property.

26 3. The position the peace officer or prosecutor PERSON currently holds
27 and a description of the peace officer's or prosecutor's PERSON'S duties.

28 4. The reasons the peace officer or prosecutor PERSON reasonably
29 believes that the peace officer's or prosecutor's PERSON'S life or safety or
30 that of another person is in danger and that restricting access pursuant to
31 this section will serve to reduce the danger.

32 5. The document locator number and recording date of each instrument
33 for which the peace officer or prosecutor PERSON requests access restriction
34 pursuant to this section.

35 6. A copy of pages from each instrument that includes the document
36 locator number and the peace officer's or prosecutor's PERSON'S full legal
37 name and residential address or full legal name and telephone number.

38 C. If a peace officer, PUBLIC DEFENDER or prosecutor is also
39 requesting pursuant to section 11-484 that the general public be prohibited
40 from accessing records maintained by the county assessor and county
41 treasurer, the peace officer, PUBLIC DEFENDER or prosecutor may combine the
42 request pursuant to subsection B of this section with the request pursuant
43 to section 11-484 by filing one affidavit with the officer's commanding
44 officer, or with the head of the prosecuting OR PUBLIC DEFENDER agency, AS
45 APPLICABLE, or that person's designee. The affidavit and subsequent action

1 by the appropriate authorities shall meet all of the requirements of this
2 section and section 11-484.

3 D. The affidavit shall be filed with the presiding judge of the
4 superior court in the county in which the affiant resides. To prevent a
5 multiplicity of filings, a peace officer, PUBLIC DEFENDER or prosecutor shall
6 deliver the affidavit to the peace officer's commanding officer, or to the
7 head of the prosecuting OR PUBLIC DEFENDER agency, AS APPLICABLE, or that
8 person's designee, who shall file the affidavits at one time. In the absence
9 of an affidavit that contains a request for immediate action and that is
10 supported by facts justifying an earlier presentation, the commanding
11 officer, or the head of the prosecuting OR PUBLIC DEFENDER agency, AS
12 APPLICABLE, or that person's designee, shall not file affidavits more often
13 than quarterly.

14 E. On receipt of an affidavit or affidavits, the presiding judge of
15 the superior court shall file with the clerk of the superior court a petition
16 on behalf of all requesting ~~peace officers or prosecutors~~ AFFIANTS. Each
17 affidavit presented shall be attached to the petition. In the absence of an
18 affidavit that contains a request for immediate action and that is supported
19 by facts justifying an earlier consideration, the presiding judge may
20 accumulate affidavits and file a petition at the end of each quarter.

21 F. The presiding judge of the superior court shall review the petition
22 and each attached affidavit to determine whether the action requested by each
23 ~~peace officer or prosecutor~~ AFFIANT should be granted. If the presiding
24 judge of the superior court concludes that the action requested by the ~~peace~~
25 ~~officer or prosecutor~~ AFFIANT will reduce a danger to the life or safety of
26 the ~~peace officer, prosecutor~~ AFFIANT or another person, the presiding judge
27 of the superior court shall order that the recorder prohibit access for five
28 years to the ~~peace officer's or prosecutor's~~ AFFIANT'S residential address
29 and telephone number contained in instruments or writings recorded by the
30 county recorder and made available on the internet. If the presiding judge
31 of the superior court concludes that the ~~peace officer, the prosecutor~~
32 AFFIANT or another person is in actual danger of physical harm from a person
33 or persons with whom the ~~peace officer or prosecutor~~ AFFIANT has had official
34 dealings and that action pursuant to this section will reduce a danger to the
35 life or safety of the ~~peace officer, the prosecutor~~ AFFIANT or another
36 person, the presiding judge of the superior court shall order that the
37 general public be prohibited for five years from accessing the unique
38 identifier and the recording date contained in indexes of recorded
39 instruments maintained by the county recorder and identified pursuant to
40 subsection B of this section.

41 G. On motion to the court, if the presiding judge of the superior
42 court concludes that an instrument or writing recorded by the county recorder
43 has been redacted or sealed in error, that the original affiant no longer
44 lives at the address listed in the original affidavit, that the cause for the
45 original affidavit no longer exists or that temporary access to the

1 instrument or writing is needed, the presiding judge may temporarily stay or
2 permanently vacate all or part of the court order prohibiting public access
3 to the recorded instrument or writing.

4 H. On entry of the court order, the clerk of the superior court shall
5 file the court order and a copy of the affidavit required by subsection B of
6 this section with the county recorder. No more than ten days after the date
7 on which the county recorder receives the court order, the county recorder
8 shall restrict access to the information as required by subsection F of this
9 section.

10 I. If the court denies an affiant's request pursuant to this section,
11 the affiant may request a court hearing. The hearing shall be conducted by
12 the court in the county where the petition was filed.

13 J. The recorder shall remove the restrictions on all records
14 restricted pursuant to this section by January 5 in the year after the court
15 order expires.

16 K. To include subsequent recordings in the court order, the peace
17 officer, JUSTICE, JUDGE, COMMISSIONER, PUBLIC DEFENDER or prosecutor shall
18 present to the county recorder at the time of recordation a certified copy
19 of the court order. The recorder shall ~~insure~~ ENSURE that public access
20 shall be restricted pursuant to subsection A of this section.

21 L. This section shall not be interpreted to restrict access to public
22 records for the purposes of perfecting a lien pursuant to title 12, chapter
23 9, article 2.

24 M. This section does not prohibit access to the records of the county
25 recorder by parties to the instrument, a title insurer, a title insurance
26 agent or an escrow agent licensed by the department of insurance or the
27 department of banking.

28 N. For the purposes of this section:

29 1. "COMMISSIONER" MEANS A COMMISSIONER OF THE SUPERIOR COURT.

30 ~~1.~~ 2. "Indexes" means only those indexes that are maintained by and
31 located in the office of the county recorder, that are accessed
32 electronically and that contain information beginning from and after January
33 1, 1987.

34 3. "JUDGE" MEANS A JUDGE OF THE UNITED STATES DISTRICT COURT, THE
35 UNITED STATES COURT OF APPEALS, THE UNITED STATES MAGISTRATE COURT, THE
36 UNITED STATES BANKRUPTCY COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR
37 COURT OR A MUNICIPAL COURT.

38 4. "JUSTICE" MEANS A JUSTICE OF THE UNITED STATES OR ARIZONA SUPREME
39 COURT OR A JUSTICE OF THE PEACE.

40 ~~2.~~ 5. "Peace officer" means any person vested by law, or formerly
41 vested by law, with a duty to maintain public order and make arrests.

42 ~~3.~~ 6. "Prosecutor" means a county attorney, a municipal prosecutor,
43 or the attorney general OR A UNITED STATES ATTORNEY and includes an assistant
44 or deputy UNITED STATES ATTORNEY, county attorney, municipal prosecutor or
45 attorney general.

1 7. "PUBLIC DEFENDER" MEANS A FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
2 DEFENDER, COUNTY LEGAL DEFENDER OR COUNTY CONTRACT INDIGENT DEFENSE COUNSEL
3 AND INCLUDES AN ASSISTANT OR DEPUTY FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
4 DEFENDER OR COUNTY LEGAL DEFENDER.

5 Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read:
6 11-484. Records maintained by county assessor and county
7 treasurer; redaction; definitions

8 A. Notwithstanding any other provision of this article, in counties
9 with a population of more than five hundred thousand persons according to the
10 ~~most recent United States decennial census~~ a peace officer, JUSTICE, JUDGE,
11 COMMISSIONER, PUBLIC DEFENDER or prosecutor may request that the general
12 public be prohibited from accessing the ~~peace officer's or prosecutor's~~ THAT
13 PERSON'S residential address and telephone number that are contained in
14 instruments, writings and information maintained by the county assessor and
15 the county treasurer.

16 B. A peace officer, JUSTICE, JUDGE, COMMISSIONER, PUBLIC DEFENDER or
17 prosecutor may request this action by filing an affidavit that states all of
18 the following on an application form developed by the administrative office
19 of the courts in agreement with an association of counties, an organization
20 of peace officers and the motor vehicle division of the department of
21 transportation:

22 1. ~~The peace officer's or prosecutor's~~ PERSON'S full legal name and
23 residential address.

24 2. The full legal description and parcel number of the ~~peace officer's~~
25 ~~or prosecutor's~~ PERSON'S property.

26 3. The position the ~~peace officer or prosecutor~~ PERSON currently holds
27 and a description of the ~~peace officer's or prosecutor's~~ PERSON'S duties.

28 4. The reasons the ~~peace officer or prosecutor~~ PERSON reasonably
29 believes that the ~~peace officer's or prosecutor's~~ PERSON'S life or safety or
30 that of another person is in danger and that redacting the residential
31 address and telephone number will serve to reduce the danger.

32 C. If a peace officer, PUBLIC DEFENDER or prosecutor is also
33 requesting pursuant to section 11-483 that the general public be prohibited
34 from accessing records maintained by the county recorder, the peace officer,
35 PUBLIC DEFENDER or prosecutor may combine the request pursuant to subsection
36 B of this section with the request pursuant to section 11-483 by filing one
37 affidavit with the officer's commanding officer, or with the head of the
38 prosecuting OR PUBLIC DEFENDER agency, AS APPLICABLE, or that person's
39 designee. The affidavit and subsequent action by the appropriate authorities
40 shall meet all of the requirements of this section and section 11-483.

41 D. The affidavit shall be filed with the presiding judge of the
42 superior court in the county in which the affiant resides. To prevent a
43 multiplicity of filings, a peace officer, PUBLIC DEFENDER or prosecutor shall
44 deliver the affidavit to the peace officer's commanding officer, or to the
45 head of the prosecuting OR PUBLIC DEFENDER agency, AS APPLICABLE, or that

1 person's designee, who shall file the affidavits at one time. In the absence
2 of an affidavit that contains a request for immediate action and that is
3 supported by facts justifying an earlier presentation, the commanding
4 officer, or the head of the prosecuting OR PUBLIC DEFENDER agency, AS
5 APPLICABLE, or that person's designee, shall not file affidavits more often
6 than quarterly.

7 E. On receipt of an affidavit or affidavits, the presiding judge of
8 the superior court shall file with the clerk of the superior court a petition
9 on behalf of all requesting ~~peace officers or prosecutors~~ AFFIANTS. Each
10 affidavit presented shall be attached to the petition. In the absence of an
11 affidavit that contains a request for immediate action and that is supported
12 by facts justifying an earlier consideration, the presiding judge may
13 accumulate affidavits and file a petition at the end of each quarter.

14 F. The presiding judge of the superior court shall review the petition
15 and each attached affidavit to determine whether the action requested by each
16 ~~peace officer or prosecutor~~ AFFIANT should be granted. If the presiding
17 judge of the superior court concludes that the action requested by the ~~peace~~
18 ~~officer or prosecutor~~ AFFIANT will reduce a danger to the life or safety of
19 the ~~peace officer or prosecutor~~ AFFIANT or another person, the presiding
20 judge of the superior court shall order the redaction of the ~~peace officer's~~
21 ~~or prosecutor's~~ AFFIANT'S residential address and telephone number that are
22 contained in instruments, writings and information maintained by the county
23 assessor and the county treasurer. The redaction shall be in effect for five
24 years.

25 G. On motion to the court, if the presiding judge of the superior
26 court concludes that an instrument or writing maintained by the county
27 assessor or the county treasurer has been redacted or sealed in error, that
28 the original affiant no longer lives at the address listed in the original
29 affidavit, that the cause for the original affidavit no longer exists or that
30 temporary access to the instrument or writing is needed, the presiding judge
31 may temporarily stay or permanently vacate all or part of the court order
32 prohibiting public access to the instrument or writing.

33 H. On entry of the court order, the clerk of the superior court shall
34 file the court order and a copy of the affidavit required by subsection B of
35 this section with the county assessor and the county treasurer. No more than
36 ten days after the date on which the county assessor and the county treasurer
37 receive the court order, the county assessor and the county treasurer shall
38 restrict access to the information as required by subsection F of this
39 section.

40 I. If the court denies an affiant's request pursuant to this section,
41 the affiant may request a court hearing. The hearing shall be conducted by
42 the court in the county where the petition was filed.

43 J. The county assessor and the county treasurer shall remove the
44 restrictions on all records that are redacted pursuant to this section by
45 January 5 in the year after the court order expires.

K. For the purposes of this section:

1. "COMMISSIONER" MEANS A COMMISSIONER OF THE SUPERIOR COURT.

2. "JUDGE" MEANS A JUDGE OF THE UNITED STATES DISTRICT COURT, THE UNITED STATES COURT OF APPEALS, THE UNITED STATES MAGISTRATE COURT, THE UNITED STATES BANKRUPTCY COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR COURT OR A MUNICIPAL COURT.

3. "JUSTICE" MEANS A JUSTICE OF THE UNITED STATES OR ARIZONA SUPREME COURT OR A JUSTICE OF THE PEACE.

4. "Peace officer" means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.

5. "Prosecutor" means a county attorney, a municipal prosecutor, or the attorney general OR A UNITED STATES ATTORNEY and includes an assistant or deputy UNITED STATES ATTORNEY, county attorney, municipal prosecutor or attorney general.

6. "PUBLIC DEFENDER" MEANS A FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC DEFENDER, COUNTY LEGAL DEFENDER OR COUNTY CONTRACT INDIGENT DEFENSE COUNSEL AND INCLUDES AN ASSISTANT OR DEPUTY FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC DEFENDER OR COUNTY LEGAL DEFENDER.

Sec. 3. Section 13-2401, Arizona Revised Statutes, is amended to read:

13-2401. Personal information on the world wide web; exception; classification; definitions

A. It is unlawful for a person to knowingly make available on the world wide web the personal information of a peace officer, JUSTICE, JUDGE, COMMISSIONER, PUBLIC DEFENDER or prosecutor if the dissemination of the personal information poses an imminent and serious threat to the peace officer's, JUSTICE'S, JUDGE'S, COMMISSIONER'S, PUBLIC DEFENDER'S or prosecutor's safety or the safety of the ~~peace officer's or prosecutor's~~ THAT PERSON'S immediate family and the threat is reasonably apparent to the person making the information available on the world wide web to be serious and imminent.

B. It is not a violation of this section if an employee of a county recorder, county treasurer or county assessor publishes personal information, in good faith, on the web site of the county recorder, county treasurer or county assessor in the ordinary course of carrying out public functions.

C. A violation of subsection A is a class 5 felony.

D. For the purposes of this section:

1. "COMMISSIONER" MEANS A COMMISSIONER OF THE SUPERIOR COURT.

2. "Immediate family" means a peace officer's, JUSTICE'S, JUDGE'S, COMMISSIONER'S, PUBLIC DEFENDER'S or prosecutor's spouse, child or parent and any other adult who lives in the same residence as the ~~peace officer or prosecutor~~ PERSON.

3. "JUDGE" MEANS A JUDGE OF THE UNITED STATES DISTRICT COURT, THE UNITED STATES COURT OF APPEALS, THE UNITED STATES MAGISTRATE COURT, THE UNITED STATES BANKRUPTCY COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR COURT OR A MUNICIPAL COURT.

1 4. "JUSTICE" MEANS A JUSTICE OF THE UNITED STATES OR ARIZONA SUPREME
2 COURT OR A JUSTICE OF THE PEACE.

3 ~~2.~~ 5. "Personal information" means a peace officer's, JUSTICE'S,
4 JUDGE'S, COMMISSIONER'S, PUBLIC DEFENDER'S or prosecutor's home address, home
5 telephone number, pager number, personal photograph, directions to a peace
6 officer's or prosecutor's THE PERSON'S home or photographs of a peace
7 officer's or prosecutor's THE PERSON'S home or vehicle.

8 ~~3.~~ 6. "Prosecutor" means A county attorney, A municipal prosecutor,
9 or THE attorney general OR A UNITED STATES ATTORNEY and INCLUDES an assistant
10 or deputy UNITED STATES ATTORNEY, county attorney, municipal prosecutor or
11 attorney general.

12 7. "PUBLIC DEFENDER" MEANS A FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
13 DEFENDER, COUNTY LEGAL DEFENDER OR COUNTY CONTRACT INDIGENT DEFENSE COUNSEL
14 AND INCLUDES AN ASSISTANT OR DEPUTY FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
15 DEFENDER OR COUNTY LEGAL DEFENDER.

16 Sec. 4. Section 16-153, Arizona Revised Statutes, as amended by Laws
17 2002, chapter 129, section 3, is amended to read:

18 16-153. Voter registration; confidentiality; definitions

19 A. ~~Justices of the supreme court, judges of the court of appeals,~~
20 ~~judges, or commissioners of the superior court, municipal court judges, peace~~
21 ~~officers, prosecutors, public defenders, victims of domestic violence, or~~
22 ~~persons who are protected under an order of protection or injunction against~~
23 ~~harassment, and any other registered voter who resides at the same residence~~
24 ~~address as the justice, judge, commissioner, peace officer, prosecutor,~~
25 ~~public defender or protected person, may request that the general public be~~
26 ~~prohibited from accessing the residential address, telephone number and~~
27 ~~voting precinct number contained in their voter registration record.~~

28 B. Justices, judges, commissioners, prosecutors, public defenders, or
29 peace officers OR VICTIMS OF DOMESTIC VIOLENCE may request this action by
30 filing an affidavit that states all of the following on an application form
31 developed by the administrative office of the courts in agreement with an
32 association of counties and an organization of peace officers:

33 1. The person's full legal name, residential address and date of
34 birth.

35 2. The position the person currently holds and a description of the
36 person's duties, EXCEPT THAT A VICTIM OF DOMESTIC VIOLENCE SHALL INSTEAD
37 STATE THEY ARE A VICTIM OF DOMESTIC VIOLENCE AND SHALL ATTACH DOCUMENTATION
38 SUPPORTING THE CLAIM, INCLUDING A TRUE AND CORRECT COPY OF ANY OF THE
39 FOLLOWING:

40 (a) FINDINGS FROM A COURT OF COMPETENT JURISDICTION.

41 (b) POLICE REPORTS.

42 (c) MEDICAL RECORDS.

43 (d) CHILD PROTECTIVE SERVICES RECORDS.

44 (e) DOMESTIC VIOLENCE SHELTER RECORDS.

45 (f) SCHOOL RECORDS.

1 3. The reasons for reasonably believing that the person's life or
2 safety or that of another person is in danger and that sealing the
3 residential address, telephone number and voting precinct number of the
4 person's voting record will serve to reduce the danger.

5 C. The affidavit shall be filed with the presiding judge of the
6 superior court in the county in which the affiant resides. To prevent a
7 multiplicity of filings, peace officers shall deliver the affidavit to their
8 commanding officer who shall file the affidavits at one time, prosecutors
9 shall deliver the affidavit to the head of the prosecuting agency or that
10 person's designee who shall file the affidavits at one time, and public
11 defenders shall deliver the affidavit to the head of the public defending
12 agency or that person's designee who shall file the affidavits at one
13 time. In the absence of an affidavit that contains a request for immediate
14 action and is supported by facts justifying an earlier presentation, the
15 commanding officer, the head of the prosecuting agency or that person's
16 designee or the head of the public defending agency or that person's designee
17 shall not file affidavits more often than quarterly.

18 D. Upon receipt of an affidavit or affidavits, the presiding judge of
19 the superior court shall file with the clerk of the superior court a petition
20 on behalf of all requesting justices, judges, commissioners, prosecutors,
21 public defenders and peace officers. The petition shall have attached each
22 affidavit presented. In the absence of an affidavit that contains a request
23 for immediate action and is supported by facts justifying an earlier
24 consideration, the presiding judge may accumulate affidavits and file a
25 petition at the end of each quarter.

26 E. The presiding judge of the superior court shall review the petition
27 and each attached affidavit to determine whether the action requested by each
28 affiant should be granted. The presiding judge of the superior court shall
29 order the sealing for five years of the information contained in the voter
30 record of the affiant and, on request, any other registered voter who resides
31 at the same residence address if the presiding judge concludes that this
32 action will reduce a danger to the life or safety of the affiant.

33 F. The recorder shall remove the restrictions on all voter records
34 submitted pursuant to subsection E of this section by January 5 in the year
35 after the court order expires.

36 G. Upon entry of the court order, the clerk of the superior court
37 shall file the court order with the county recorder. Upon receipt of the
38 court order the county recorder shall seal the voter registration of the
39 justices, judges, commissioners, prosecutors, public defenders, peace
40 officers and other persons listed in the court order no later than one
41 hundred twenty days from the date of receipt of the court order. The
42 information in the registration shall not be disclosed and is not a public
43 record.

1 H. If the court denies an affiant's requested sealing of the voter
2 registration record, the affiant may request a court hearing. The hearing
3 shall be conducted by the court where the petition was filed.

4 I. On motion to the court, if the presiding judge of the superior
5 court concludes that a voter registration record has been sealed in error or
6 that the cause for the original affidavit no longer exists, the presiding
7 judge may vacate the court order prohibiting public access to the voter
8 registration record.

9 J. Upon request by a ~~domestic violence victim~~ or person who is
10 protected under an order of protection or injunction against harassment and
11 presentation of an order of protection issued pursuant to section 13-3602,
12 an injunction against harassment issued pursuant to section 12-1809 or an
13 order of protection or injunction against harassment issued by a court in
14 another state, the county recorder shall seal the voter registration record
15 of the ~~domestic violence victim~~ or person who is protected and, on request,
16 any other registered voter who resides at the residence address of the
17 protected person. The record shall be sealed no later than one hundred
18 twenty days from the date of receipt of the court order. The information in
19 the registration shall not be disclosed and is not a public record.

20 K. For the purposes of this section:

21 1. "Domestic violence" has the same meaning as prescribed by section
22 20-448.

23 2. "COMMISSIONER" MEANS A COMMISSIONER OF THE SUPERIOR COURT.

24 3. "JUDGE" MEANS A JUDGE OF THE UNITED STATES DISTRICT COURT, THE
25 UNITED STATES COURT OF APPEALS, THE UNITED STATES MAGISTRATE COURT, THE
26 UNITED STATES BANKRUPTCY COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR
27 COURT OR A MUNICIPAL COURT.

28 4. "JUSTICE" MEANS A JUSTICE OF THE UNITED STATES OR ARIZONA SUPREME
29 COURT OR A JUSTICE OF THE PEACE.

30 ~~2.~~ 5. "Prosecutor" means a United States attorney, a county attorney,
31 a municipal prosecutor or the attorney general and includes an assistant or
32 deputy United States attorney, county attorney, municipal prosecutor or
33 attorney general.

34 ~~3.~~ 6. "Public defender" means a federal public defender, county
35 public defender, county legal defender or county contract indigent defense
36 counsel and includes an assistant or deputy federal public defender, county
37 public defender or county legal defender.

38 Sec. 5. Repeal

39 Section 16-153, Arizona Revised Statutes, as amended by Laws 2001,
40 chapter 124, section 5, is repealed.

1 Sec. 6. Section 39-123, Arizona Revised Statutes, is amended to read:
2 39-123. Information identifying a peace officer, justice,
3 judge, commissioner, public defender or prosecutor;
4 confidentiality; definitions

5 A. Nothing in this chapter requires disclosure from a personnel file
6 by a law enforcement agency or employing state or local governmental entity
7 of the home address or home telephone number of a peace officer as defined
8 in section 13-105, A JUSTICE, A JUDGE, A COMMISSIONER, A PUBLIC DEFENDER or
9 a prosecutor. This exemption also applies to a photograph of a peace officer
10 who is serving in an undercover capacity or who is scheduled to serve in an
11 undercover capacity within sixty days.

12 B. The agency or governmental entity may release the information in
13 subsection A of this section only if either:

14 1. ~~The peace officer or prosecutor~~ PERSON consents in writing to the
15 release.

16 2. The custodian of records of the agency or governmental entity
17 determines that release of the information does not create a reasonable risk
18 of physical injury to the ~~peace officer or prosecutor~~ PERSON or the ~~peace~~
19 ~~officer's or prosecutor's~~ PERSON'S immediate family or damage to the property
20 of the ~~peace officer or prosecutor~~ PERSON or the ~~peace officer's or~~
21 ~~prosecutor's~~ PERSON'S immediate family.

22 C. This section does not apply to a certified peace officer who is no
23 longer employed as a peace officer by a state or local government entity.

24 D. For the purposes of this section: ,—

25 1. "COMMISSIONER" MEANS A COMMISSIONER OF THE SUPERIOR COURT.

26 2. "JUDGE" MEANS A JUDGE OF THE UNITED STATES DISTRICT COURT, THE
27 UNITED STATES COURT OF APPEALS, THE UNITED STATES MAGISTRATE COURT, THE
28 UNITED STATES BANKRUPTCY COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR
29 COURT OR A MUNICIPAL COURT.

30 3. "JUSTICE" MEANS A JUSTICE OF THE UNITED STATES OR ARIZONA SUPREME
31 COURT OR A JUSTICE OF THE PEACE.

32 4. "Prosecutor" means A county attorney, A municipal prosecutor, or
33 THE attorney general OR A UNITED STATES ATTORNEY and INCLUDES an assistant
34 or deputy UNITED STATES ATTORNEY, county attorney, municipal prosecutor or
35 attorney general.

36 5. "PUBLIC DEFENDER" MEANS A FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
37 DEFENDER, COUNTY LEGAL DEFENDER OR COUNTY CONTRACT INDIGENT DEFENSE COUNSEL
38 AND INCLUDES AN ASSISTANT OR DEPUTY FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
39 DEFENDER OR COUNTY LEGAL DEFENDER.

40 Sec. 7. Section 39-124, Arizona Revised Statutes, is amended to read:

41 39-124. Releasing information identifying a peace officer,
42 justice, judge, commissioner, public defender or
43 prosecutor; violations; classification; definitions

44 A. Any person who is employed by a state or local government entity
45 and who, in violation of section 39-123, knowingly releases the home address

1 or home telephone number of a peace officer as defined in section 13-105, A
2 JUSTICE, A JUDGE, A COMMISSIONER, A PUBLIC DEFENDER or a prosecutor with the
3 intent to hinder an investigation, cause physical injury to a peace officer,
4 JUSTICE, JUDGE, COMMISSIONER, PUBLIC DEFENDER or prosecutor or the peace
5 officer's, JUSTICE'S, JUDGE'S, COMMISSIONER'S, PUBLIC DEFENDER'S or
6 prosecutor's immediate family or CAUSE damage to the property of a peace
7 officer, JUSTICE, JUDGE, COMMISSIONER, PUBLIC DEFENDER or prosecutor or the
8 peace officer's, JUSTICE'S, JUDGE'S, COMMISSIONER'S, PUBLIC DEFENDER'S or
9 prosecutor's immediate family is guilty of a class 6 felony.

10 B. Any person who is employed by a state or local government entity
11 and who, in violation of section 39-123, knowingly releases a photograph of
12 a peace officer who is serving in an undercover capacity or who is scheduled
13 to serve in an undercover capacity within sixty days with the intent to
14 hinder an investigation, cause physical injury to a peace officer or the
15 peace officer's immediate family or CAUSE damage to the property of a peace
16 officer or the peace officer's immediate family is guilty of a class 6
17 felony.

18 C. For the purposes of this section: —

19 1. "COMMISSIONER" MEANS A COMMISSIONER OF THE SUPERIOR COURT.

20 2. "JUDGE" MEANS A JUDGE OF THE UNITED STATES DISTRICT COURT, THE
21 UNITED STATES COURT OF APPEALS, THE UNITED STATES MAGISTRATE COURT, THE
22 UNITED STATES BANKRUPTCY COURT, THE ARIZONA COURT OF APPEALS, THE SUPERIOR
23 COURT OR A MUNICIPAL COURT.

24 3. "JUSTICE" MEANS A JUSTICE OF THE UNITED STATES OR ARIZONA SUPREME
25 COURT OR A JUSTICE OF THE PEACE.

26 4. "Prosecutor" means A county attorney, A municipal prosecutor, or
27 THE attorney general OR A UNITED STATES ATTORNEY and INCLUDES an assistant
28 or deputy UNITED STATES ATTORNEY, county attorney, municipal prosecutor or
29 attorney general.

30 5. "PUBLIC DEFENDER" MEANS A FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
31 DEFENDER, COUNTY LEGAL DEFENDER OR COUNTY CONTRACT INDIGENT DEFENSE COUNSEL
32 AND INCLUDES AN ASSISTANT OR DEPUTY FEDERAL PUBLIC DEFENDER, COUNTY PUBLIC
33 DEFENDER OR COUNTY LEGAL DEFENDER.

APPROVED BY THE GOVERNOR APRIL 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2003.

Passed the House February 24, 2003

Passed the Senate April 1, 2003

by the following vote: 49 Ayes,

by the following vote: 29 Ayes,

10 Nays, 1 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2108

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 23, 2002,
by the following vote: 48 Ayes,

11 Nays, 1 Not Voting

John H. Flake
Speaker of the House
Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

23 day of April, 2003

at 11:44 o'clock A M.

Sandra Chamuseca
Secretary to the Governor

Approved this 28 day of

April, 2003,

at 3²⁵ o'clock P. M.

Jan Brewer
Governor of Arizona

H.B. 2108

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2003,

at 4:51 o'clock P M.
Janice L. Brewer
Secretary of State